

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:10-CR-100
)	
FRANKLIN DELANO JEFFRIES, II,)	(PHILLIPS/SHIRLEY)
)	
Defendant.)	

ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. On July 29, 2010, this matter came before the Court for a detention hearing. Assistant United States Attorney Kelly A. Norris was present representing the Government. The Defendant was present with newly retained counsel, Ralph E. Harwell and Jonathan Harwell. Appointed counsel Jonathan A. Moffatt was also present.

At the Defendant's initial appearance on July 23, 2010, this Court appointed [Doc. 5] Attorneys Jonathan Moffatt and Kim Tollison of the Federal Defenders Services of Eastern Tennessee to represent Defendant Jeffries. At the July 29 hearing, Mr. Moffatt informed the Court that the Defendant's family had hired Mr. Harwell. Mr. Moffatt moved to withdraw from the case and for the Court to substitute counsel. He noted that the file had been turned over to Mr. Harwell. Mr. Ralph Harwell confirmed that he and Mr. Jonathan Harwell had been retained and that they had received all of the discovery. Based upon this information, the Court **GRANTS** Mr. Moffatt's oral

motion to withdraw from the case and hereby **SUBSTITUTES** Attorneys Ralph Harwell and Jonathan Harwell as the Defendant's counsel of record.

Also at the July 29 hearing, the Court took up the Defendant's Sealed Motion to Continue Detention Hearing [Doc. 10]. Mr. Harwell stated that counsel was awaiting records from Fort Campbell that are relevant to the Court's determination on the matter of detention. The Court **GRANTED** the Defendant's request [**Doc. 10**] for a continuance. The parties agreed upon August 13, 2010, at 9:30 a.m. as the date for the detention hearing. The parties did not object to continuing the Defendant's arraignment to that date as well. The Court informed the parties that it would also take up whether the Defendant's competency to stand trial was an issue at the August 13 hearing.

Accordingly, it is **ORDERED**:

- (1) Attorney Jonathan Moffatt's oral motion to withdraw from the case is **GRANTED**. Mr. Moffatt and Kim Tollison are relieved of their representation of the Defendant;
- (2) Attorneys Ralph Harwell and Jonathan Harwell are **SUBSTITUTED** as the Defendant's counsel of record; and
- (3) The Defendant's Sealed Motion to Continue Detention Hearing [**Doc. 10**] is **GRANTED**. The detention hearing is reset to **August 13, 2010, at 9:30 a.m.** The Court will also conduct the arraignment at that time.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge